

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office SEP 13 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed OCT 28 1980 under Carson River Decree Map

The applicant **Daniel I. O'Callaghan, Trustee of the Daniel I. O'Callaghan Revocable Living Trust Dated February 21, 1997.** hereby makes application for permission to change the **Point of Diversion** of water heretofore appropriated under **Claims 769, 770, 771 of the Decree** entitled **"United States of America v. Alpine Land and Reservoir Co."**, No. D-183 BRT in the **United States District Court, District of Nevada**

1. The source of water is **Carson River**
2. The amount of water to be changed **As Decreed (226.8 Acre-Feet appurtenant to 50.4 Acres)**
3. The water to be used for **As Decreed**
4. The water heretofore permitted for **As Decreed**
5. The water is to be diverted at the following point **Koch Ditch (aka Chaves Ditch)** from north bank in **SE¼ SE¼, Section 33, T.17N., R.22E., M.D.B.&M.**
6. The existing permitted point of diversion is located within **Upper Cardelli Ditch (or Cardelli Irrigation Ditch)** from west bank in **SW part SE¼ NE¼, Section 5, T.16N., R.22E., M.D.B.&M.**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **See Attachment "A"**
9. Use will be from **As Decreed**
10. Use was permitted from **As Decreed**
11. Description of proposed works **Existing diversion structure on the Carson River into Koch Ditch and from there via pumps, pipes & laterals.**
12. Estimated cost of works **Completed**
13. Estimated time required to construct works **Completed**
14. Estimated time required to complete the application of water to beneficial use **Three (3) years**
15. Remarks: **This application is being filed to change the Point of Diversion of Decreed Carson River rights to reflect actual practices. Water under these Claims has been diverted through the Koch Ditch under priority for at least the past ten years. Please use maps filed under the Carson River Decree to illustrate the existing and proposed places of used and points of diverison.**

By **Gregory M. Bilyeu**
s/**Gregory M. Bilyeu (Agent)**
500 Damonte Ranch Parkway, Suite 156
Reno, NV 89521

Compared cmf/cac ag/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of Claim Nos. 769, 770 and 771 of the Carson River as heretofore granted under the Final Carson River Decree No. D-183, in the District Court of the United States in and for the District of Nevada, is issued subject to the terms, conditions and irrigation period imposed in said Final decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed the decreed duty of acre-feet per acre of land irrigated from any and all sources for the irrigation of 50.4 acres.

Work must be prosecuted with reasonable diligence and be completed on or before:

April 7, 2005

Proof of completion of work shall be filed on or before:

May 7, 2005

Water must be placed to beneficial use on or before:

April 7, 2007

Proof of the application of water to beneficial use shall be filed on or before:

May 7, 2007

Map in support of proof of beneficial use shall be filed on or before:

May 7, 2007

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 7th day of April, A.D. 2004


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Attachment "A"**Proposed and Existing Place of Use – Claim 769**

14 acres, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S of Lower Cardelli Ditch, Section 34, T.17N., R.22E., M.D.B. & M.
3.2 acres, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S of Lower Cardelli Ditch, Section 34, T.17N., R.22E., M.D.B. & M.

Proposed and Existing Place of Use – Claim 770

0.4 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE cor. S. of Ditch, Section 34, T.17N., R.22E., M.D.B. & M.
17 acres, SE $\frac{1}{4}$ NE $\frac{1}{4}$, between Lower Cardelli Ditch, Section 34, T.17N., R.22E., M.D.B. & M.
15 acres, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N. of Koch Ditch, Section 34, T.17N., R.22E., M.D.B. & M.

Proposed and Existing Place of Use – Claim 771

0.8 acres, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE cor. S. of Ditch, Section 34, T.17N., R.22E., M.D.B. & M.

50.4 acres total under Claims 769, 770 and 771. The places of use under Claims 769, 770 and 771 are not being changed under this application.